

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C05-5487 RJB/KLS

ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL ANSWERS
TO DISCOVERY REQUESTS

This 42 U.S.C. § 1983 civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b) and Local MJR 3 and 4. Before the Court is Plaintiff's Motion to Compel Answers to Discovery Requests. (Dkt. # 64, 65). This motion was not noted by Plaintiff. However, Defendants have filed a response in opposition (Dkt. # 69) and after reviewing same, the Court finds that Defendants should respond to Plaintiff's discovery requests.

I. DISCUSSION

Plaintiff previously filed a motion to compel production of documents from a request for production of documents he claims he mailed to Defendants some time in February 2006. That motion was denied as Plaintiff failed to establish that he had served his request for documents on Defendants or conferred with Defendants prior to the filing of his motion to compel. (Dkt. # 29).

1 On January 31, 2007, Plaintiff sent a Notice to counsel for Defendants, stating "Mr. Carr, you
2 received my discovery request with my earlier motion to compel. It was made in advance of 30 days
3 before the discovery cut off date. You have not provided the requested discovery as is required, and
4 proof of service for that motion to compel was filed. This is formal notice to provide me with the
5 discovery I requested, or the attached motion to compel shall be pushed through the Court." (Dkt. # 64).

6 Defendants state that they are not attempting to be overly technical in dealing with this issue and
7 had Plaintiff but asked for them to consider the discovery request attached to his prior motion to compel
8 as service, they would have responded to the merits of his request. (Dkt. # 69 at 2). Plaintiff has done
9 just that. In his notice, Plaintiff is clearly asking them to consider the discovery request attached to his
10 prior motion and to provide him with responses to those requests.

11 Defendants also argue that Plaintiff's motion should be denied as Plaintiff has failed to
12 demonstrate that the requested discovery is needed in order to adequately respond to Defendants' long-
13 pending motion for summary judgment. (Dkt. # 69 at 2). Plaintiff has not requested an extension based
14 on Defendants' failure to respond to his discovery requests.

15 16 II. CONCLUSION

17 Accordingly, Plaintiff's motion to compel (Dkt. # 64) is **GRANTED**; Defendants shall provide
18 responses to Plaintiff's discovery requests **within ten (10) days of the date of this Order**.
19 The Clerk of the Court shall send a copy of this Order to Plaintiff and to counsel for Defendants.

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21 DATED this 27th day of March, 2007.

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24 Karen L. Strombom
25 United States Magistrate Judge
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